

REMARKS

This Application has been carefully reviewed in light of the Office Action dated June 22, 2010 ("*Office Action*"). Claims 1-7, 9, 10 and 12 are pending in the application and are rejected. Applicant has added new Claims 14-19. Applicant respectfully submits that no new matter is added by these additional claims. Applicant respectfully requests reconsideration and allowance of all pending claims.

Claim Rejections - 35 U.S.C. § 112

The Office Action rejects Claims 1-7, 9, 10, and 12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant telephoned the Examiner and spoke with the Examiner on September 15, 2010, to discuss the rejection of Claims 1-7, 9, 10, and 12 on this basis. Applicant thanks the Examiner for his thoughtful consideration of this case. Applicant believes that Applicant and the Examiner are in agreement that the "successor event" as recited in the claim element, "wherein the business event message further includes a successor event and an expected time period indicating when the successor event is expected to occur . . .," does not replace the "at least one business event associated with the selected key performance indicator," as also recited in the claims. As such, Applicant respectfully submits that Claims 1, 9, and 10 are not indefinite under 35 U.S.C. § 112, second paragraph. Applicant respectfully requests that the rejection of Claims 1-7, 9, 10, and 12 under 35 U.S.C. § 112, second paragraph be withdrawn.

Claim Rejections - 35 U.S.C. § 103

In the *Office Action*, the pending claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of U.S. Patent No. 6,067,525 issued to Johnson et al. ("*Johnson*"), Internet documents entitled "Oracle Delivers Global Sales and Marketing Analysis to the Web" ("*Oracle*"), "PeopleSoft Announces Balanced Scorecard for Strategic Decision-Making" ("*PeopleSoft*"), U.S. Patent No. 6,393,386 to Zager et al ("*Zager*"), U.S. Patent No. 6,272,377 to Sweeney et al ("*Sweeney*"), U.S. Patent No. 4,642,775 to Cline et al

(“*Cline*”), and U.S. Patent No 5,958,012 to Battat et al (“*Battat*”). The specific rejections are discussed below.

A. Claims 9, 10, and 1-7 are Allowable over *Johnson, Oracle, PeopleSoft, Zager, and Sweeney*

Specifically, Claims 9, 10, and 1-7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Johnson* in view of *Oracle* or *PeopleSoft*, or vice versa, and further in view of *Zager* and *Sweeney*. Thus, the Examiner rejects Claims 9, 10, and 1-7 over the proposed *Johnson-Oracle-Zager-Sweeney*, *Johnson-PeopleSoft-Zager-Sweeney*, *Oracle-Johnson-Zager-Sweeney*, and *PeopleSoft-Johnson-Zager-Sweeney* combinations. Applicant respectfully traverses these rejections for the following reasons.

Independent Claim 9 of the present Application recites:

A system for reporting a value of a key performance indicator, comprising:
a processor configured to execute a workflow manager operable to:
 receive a selection of a key performance indicator;
 identify a business event affecting the value of the key performance indicator;
 receive a business event message indicating an occurrence of the business event, the business event message including business data describing the business event;
 in response to receiving the business event message, determine the value of the key performance indicator based on the business data; and
 output the determined value of the key performance indicator; and
a contextual visualization in connection with the workflow manager operable to display the value of the key performance indicator;
and
 wherein the business event message further includes a successor event and an expected time period indicating when the successor event is expected to occur, and wherein the processor is further configured to:
 determine that the expected time period has been reached;
 determine whether the successor event has occurred; and
 based at least in part on determining that the expected time period has been reached and that the successor event has not occurred, display a message for the successor event.

Thus, Applicant’s claim recites “a business event message indicating an occurrence of a business event . . . [and] further include[ing] a successor event and an expected time period indicating when the successor event is expected to occur.” Applicant’s claim further recites

that the processor is configured to “based on a determination that the expected time period has been reached and that the successor event has not occurred, display a message for the successor event.” Applicant respectfully submits that the proposed *Johnson-Oracle-Zager-Sweeney*, *Johnson-PeopleSoft-Zager-Sweeney*, *Oracle-Johnson-Zager-Sweeney*, and *PeopleSoft-Johnson-Zager-Sweeney* combinations do not disclose at least the identified claim elements.

With regard to the proposed combinations of references the Examiner acknowledges that *Johnson*, *Oracle*, and *PeopleSoft* “fail to teach the new amended limitations of ‘wherein’ clause with the ‘successor event.’” (*Office Action*, pages 6 and 9). Instead the Examiner relies upon *Zager* for disclosure of “relevant concepts/elements.” (*Office Action*, page 9). However, *Zager* merely discloses when a MO detects a fault, the MO “is said to publish a state change that it has undergone to its dependents (i.e., the list of MO’s that subscribe to it.” (*Zager*, Col. 14, lines 18-20). *Zager* further discloses that “a change in a MO may result in a corresponding change in one or more of that MO’s subscriber MO’s.” (*Zager*, Col. 14, lines 31-34). Thus, *Zager* is interested in identifying “root-cause events, that is, events that inherently are basic faults themselves, and not just sympathetic events, the consequences of other events.” (*Zager*, Col. 14, lines 43-46). When a message is received relating to a sympathetic event, *Zager* “searches for an associated root-cause event by searching among those MO’s supporting it for any that holds a root-cause event (i.e., for any that has received a message indicating the occurrence of an event of a type that is inherently a root-cause event).” (*Zager*, Col. 15, lines 1-8). Thus, *Zager* merely discloses receiving an event message and then determining, through a reverse search of other event messages, whether the event is a sympathetic event that stemmed from a root-cause event by another MO. *Zager* does not disclose, teach, or suggest “a business event message indicating an occurrence of a business event . . . [and] further includ[ing] a **successor** event and an **expected** time period indicating when the successor event is **expected to occur**,” as recited in Claim 9. Likewise, *Zager* does not disclose, teach, or suggest “based on a determination that the expected time period has been reached and that the successor event has **not** occurred, **display a message for the successor event**,” as recited in Claim 9.

In the *Office Action*, the Examiner also relies upon *Sweeney* for disclosure of the recited claim elements. (*Office Action*, page 10). However, *Sweeney* relates to a “cardiac rhythm management that predicts when an arrhythmia will occur based upon the detection of

conditioning events found to be statistically associated with the occurrences of arrhythmias.” (*Sweeney*, Col. 6, lines 50-54). According to *Sweeney*, a selection process is used that includes “matrix mapping of a state vector representing a specific physiologic state (as determined by, e.g., the particular conditioning events used to make the arrhythmia prediction, the prediction time period for the estimated arrhythmia probability, the presence or not of specific conditioning events within a specified prior time period, or the magnitude and/or presence other detected and/or calculated variables).” (*Sweeney*, Col. 5, lines 21-31). Thus, matrix mapping is performed to determine whether a particular therapy modality is expected to be effective. (*Sweeney*, Col. 5, lines 31-67). More specifically, *Sweeney* discloses that a timing diagram such as that illustrated in Figure 5 is developed over an observation period. (*Sweeney*, Col. 13, lines 10-28). An “arrhythmia prediction module 350 includes an arrhythmia probability calculation module 600, a conditional probability data bank such as a list of conditional probabilities 605, trigger/marker use data bank such as trigger/marker use list 610.” (*Sweeney*, Col. 14, lines 23-30). The arrhythmia prediction module then “outputs an arrhythmia prediction to preventive therapy control module 355, which in turn, bases delivery of preventive therapy on the arrhythmia prediction..” (*Sweeney*, Col. 14, lines 47-50). Thus, *Sweeney* merely discloses developing arrhythmia predictions based on arrhythmias observed during the observation period and a list of conditional probabilities. *Sweeney* discloses that the frequency of these predictions is determined based upon the length of the predetermined basic time period (BTP). (*Sweeney*, Col. 24, lines 24-31). For example, *Sweeney* discloses that “predictions covering shorter time periods are made at a frequency corresponding to the time period covered by the prediction” and that “[p]redictions covering longer time periods are made more often than the time period covered by the prediction.” (*Sweeney*, Col. 24, lines 50-54).

As such, *Sweeney* merely relates to the prediction of arrhythmia in cardiac patients based upon conditional probabilities of certain triggers. Even to the extent that *Sweeney* relates to the prediction of an event, *Sweeney* does not disclose, teach, or suggest “a business event message indicating an occurrence of a business event . . . [and] further includ[ing] a **successor** event and an **expected** time period indicating when the successor event is **expected to occur**,” as recited in Claim 9. Certainly, *Sweeney* does not disclose, teach, or suggest “based on a determination that the expected time period has been reached and that the successor event has **not** occurred, **display a message for the successor event**,” as recited in

Claim 9. In fact, *Sweeney* actually discloses that “[i]f the arrhythmia probabilities during all of cover time periods fail to exceed the corresponding threshold values, then no significant arrhythmia risk is deemed to exist and no preventive therapy is provided.” (*Sweeney*, Col. 24, line 66 through Col. 25, line 2).

For at least these reasons, Applicant respectfully submits that the recited claim elements are absent from the proposed *Johnson-Oracle-Zager-Sweeney*, *Johnson-PeopleSoft-Zager-Sweeney*, *Oracle-Johnson-Zager-Sweeney*, and *PeopleSoft-Johnson-Zager-Sweeney* combinations. Accordingly, Applicant respectfully requests reconsideration and allowance of independent Claim 9. For analogous reasons, Applicant also requests reconsideration and allowance of independent Claims 1 and 10, together with Claims 2-7 and 12 that depend on Claim 1.

B. Claim 12 is Allowable over *Johnson, Oracle, PeopleSoft, Zager, Sweeney,* and *Cline*

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Johnson/PeopleSoft* or *Oracle/Zager/Sweeney* as applied to Claims 1-7 above, and further in view of U.S. Patent No. 4,642,775 to Cline et al (“*Cline*”). However, Claim 12 depends on Claim 1. Accordingly, Applicant respectfully submits that dependent Claim 1 is not obvious over the proposed combinations of references at least because Claim 12 includes the limitations of Claim 1, which Applicant has shown above to be allowable. Since Claim 12 incorporates the limitations of independent Claim 1, Applicant has not provided detailed arguments with respect to Claim 12. However, Applicant remains ready to do so if it becomes appropriate. Applicant respectfully requests reconsideration and allowance of Claim 12.

C. Claims 9, 1-7, and 12 are Allowable over *Johnson, Oracle, Zager, Sweeney,* and *Battat*

Claims 9, 1-7, and 12 are also rejected under 35 U.S.C. § 103(a) as being unpatentable over *Johnson* in view of *Oracle/Zager/Sweeney* and *Battat*. Applicant respectfully traverses these rejections for the following reasons.

Applicant's Claim 9 recites "a business event message indicating an occurrence of a business event . . . [and] further include[ing] a successor event and an expected time period indicating when the successor event is expected to occur." Claim 9 further recites that the processor is configured to "based on a determination that the expected time period has been reached and that the successor event has not occurred, display a message for the successor event." Applicant has discussed the failures of *Johnson*, *Oracle*, *Zager* and *Sweeney* with respect to disclosing the recited claim elements in Section A of this Response. With respect to the proposed *Johnson-Oracle-Zager-Sweeney-Battat* combination, Applicant respectfully submits that *Battat* does not cure the deficiencies of *Johnson*, *Oracle*, *Zager*, and *Sweeney*.

Rather, *Battat* merely discloses a system and apparatus for visualizing the components of a computer network system" that includes "[f]ast pathing and color coded alerts [to] allow the user to determine precisely which resource is experiencing a problem." (*Battat*, Col. 4, lines 47-50; Col. 5, lines 5-7). A visualization workstation 101 "gets notifications of events such as status changes or object additions from [an object repository 102]." (*Battat*, Col. 8, lines 2-7). For example, a "status change event 320 message is sent to the event dispatcher 321 which communicates with the module 322. Said module 322 sets the appropriate model of the appropriate color for the status indication of the affected object." (*Battat*, Col. 8, lines 60-67). Thus, *Battat* merely discloses "monitor[ing] the operating status of all the components in the system: hardware and software, network and operating systems, databases and applications, network cards and disk drives" and filtering the results of the monitoring "according to preset threshold parameters." (*Battat*, Col. 15, lines 24-30). *Battat* does not disclose, teach, or suggest "a business event message indicating an occurrence of a business event . . . [and] further includ[ing] a **successor** event and an **expected** time period indicating when the successor event is **expected to occur**," as recited in Claim 9. Certainly, *Battat* does not disclose, teach, or suggest "based on a determination that the expected time period has been reached and that the successor event has **not** occurred, **display a message for the successor event**," as recited in Claim 9.

For at least these reasons, Applicant respectfully submits that the recited claim elements are absent from the proposed *Johnson-Oracle-Zager-Sweeney-Battat* combination. Accordingly, Applicant respectfully requests reconsideration and allowance of independent Claim 9. For analogous reasons, Applicant also requests reconsideration and allowance of independent Claims 1 and 10, together with Claims 2-7 and 12 that depend on Claim 1.

D. Claim 12 is Allowable over *Johnson, Oracle, Zager, Sweeney, Battat, and Cline*

Claim 12 is also rejected under 35 U.S.C. § 103(a) as being unpatentable over *Johnson* in view of *Oracle/Zager/Sweeney* and *Battat* as applied to claims 1-7 above, and further in view of *Cline*. However, Claim 12 depends on Claim 1. Accordingly, Applicant respectfully submits that dependent Claim 1 is not obvious over the proposed combinations of references at least because Claim 12 includes the limitations of Claim 1, which Applicant has shown above to be allowable. Since Claim 12 incorporates the limitations of independent Claim 1, Applicant has not provided detailed arguments with respect to Claim 12. However, Applicant remains ready to do so if it becomes appropriate. Applicant respectfully requests reconsideration and allowance of Claim 12.

New Claims 14-19 are Allowable

New Claims 14-19 have been added and are fully supported by the original specification. No new matter has been added. New Claims 14-15, 16-17, and 18-19 depend upon independent Claims 1, 9, and 10, respectively. Claims 14-19 are not obvious over the cited references at least because Claims 14-19 include the limitations of their respective independent claims. Additionally, Claims 14-19 recite claim elements that further distinguish the art. For example, Claim 14 recites “storing the business event message in the message queue until it is determined that the expected time period has been reached and that the successor event has not occurred” and “generating a message indicating that the successor event is now overdue.” Claims 16 and 18 recite certain similar claim elements. As another example, Claim 15 recites “purging the business event message from the message queue when it is determined that the expected time period has been reached and that the successor event has not occurred.” Claims 17 and 19 recite certain similar claim elements. For at least the reasons discussed above with regard to Claim 9, the references cited in the *Office Action* do not relate or otherwise disclose a successor event or determining that the expected time period for the successor event has been reached and that the successor event has not occurred. For analogous reasons, the references also do not disclose, teach, or suggest “storing the business event message in the message queue until it is determined that the expected time period has been reached and that the successor event has not occurred,” “generating a

message indicating that the successor event is now overdue,” or “purging the business event message from the message queue when it is determined that the expected time period has been reached and that the successor event has not occurred.”

For at least these reasons, Applicant respectfully requests consideration and allowance of new Claims 14-19.

CONCLUSION

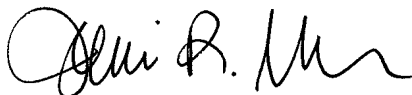
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this application in any manner, the Examiner is invited to contact Jenni R. Moen, Attorney for Applicant, at the Examiner's convenience at (214) 415-4820.

Applicant believes no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: September 22, 2010

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